

Florida Keys National Marine Sanctuary Advisory Council
Final Minutes
February 20, 2001

Members Present

Rob Bleser	Debra Harrison
Wayne Blevins	Warren Johnson
Virginia Cronk	Don Kincaid
Tom Davidson	Karen Lee
Fran Decker	Ken Nedimyer
Jim Fryer	George Neugent
Richard Grathwohl	Anita Schwessinger

Alternates Present

Jerry Lorenz for Deborah Shaw
Martin Moe for Virginia Cronk (p.m.)
Diane Silvia for Duncan Mathewson

Call to Order/Approval of Minutes/Approval of Agenda

Chairman Neugent called the meeting to order at 9:05 a.m.

Karen Lee requested a correction to page seven of the November 17 minutes stating that the motion she made did not fail due to lack of a second, that the motion was seconded and failed due to lack of a majority vote. Ms. Collette stated she would correct the minutes. On motion by Warren Johnson, seconded by Tom Davidson, the minutes of the November 17, 2000 meeting and the December 12, 2000 meeting were approved as corrected.

Richard Grathwohl requested an item be added to the agenda under New Business to discuss a *Miami Herald* article about jewfish. The agenda was approved as amended.

Chairman Neugent recognized Peggy Matthews with the Personal Watercraft Industry in the audience. Billy Causey introduced Dr. David Wood, a lecturer from Curtin University of Technology, Western Australia.

Chair Report

Chairman Neugent presented June Cradick with an Honorary Conch certificate from the Monroe County Commission.

Chairman Neugent reported on the National Marine Sanctuary Advisory Council Chairs and Coordinators meeting he, Ms. Cradick, and Debra Harrison attended in Monterey Bay, California in January. He stated that one of the topics discussed at the meeting was a fear by the public of federal government intrusion into their lives and how they would

be affected by a sanctuary coming into their area. Chairman Neugent also remarked that the FKNMS shared their experience about how important it is to build trust as a Sanctuary Advisory Council, and how you represent yourself as truly looking for public input and make resulting recommendations to Sanctuary managers. He also talked about some of the other issues discussed at the meeting which included how to run a meeting and address a particular issue that is brought to the SAC; the concern of the weight of recommendations from the SAC to the Sanctuary manager; and the proper protocol of issues from the SAC to the Sanctuary managers.

Ms. Harrison reported that each of the Sanctuaries will be looking at the need and justification for putting marine protected areas in place (except the Monitor NMS and Thunder Bay NMS which were designated because of submerged cultural resources). Ms. Harrison also gave a report on the Tortugas Ecological Reserve presentation she gave at the meeting in California.

Ms. Cradick commented that it was valuable for Chairman Neugent and Ms. Harrison to attend the meeting because of FKNMS' experience, which helps the other sites. Ms. Cradick also reported that some of the other sites seat council members for three year terms, which is something we have agreed with the State to provide in the FKNMS Advisory Council charter, because it gives more continuity.

Chairman Neugent also commented on the importance of a mix of representation on the SAC which provides for checks and balances when developing a consensus to be presented to Sanctuary managers. Chairman Neugent spoke about the history of addressing issues in the Keys, and mentioned the following successful recommendations and accomplishments of the SAC: water quality funding, the Tortugas Ecological Reserve project, channel marking project, support of the appointment of SAC member Tony Iarocci to the South Atlantic Fisheries Management Council and support of Dan Basta as Director of National Marine Sanctuaries, support of the Collier-Hoover proposal for Homestead Air Force Base, the trap removal project, the placement of Racon beacons, and the proposals relating to the Area to be Avoided and the "shaving of the elbow".

Public Comment

Richard Grathwohl read a *Keynote* letter to the editor written by Ronald Randell regarding the cracked corn issue (attached). Mr. Grathwohl stated he talked to Mr. Randell, a concerned commercial fisherman, and to John Hunt of the Florida Fish & Wildlife Conservation Commission (FWC) regarding the possibility of setting up a pond at the Florida Marine Research Institute (FMRI) field station where they could feed the cracked corn to the fish and find out if it is digestible. Mr. Grathwohl said he thinks the practice should be stopped in the Sanctuary. Chairman Neugent commented that since Mr. Grathwohl brought this issue up several months ago, he has heard from fishermen that this has become a concern, and we may want to consider asking Mr. Hunt to look into doing some research. Jim Colvocoresses of FWC (sitting in for John Hunt) stated that the FWC could consider it.

Mr. Nedimyer and Mr. Blevins both made comments relating to their recollection of this issue being discussed by the SAC at least six months ago, and nothing has been done. Mr. Nedimyer commented that it is not in the FKNMS jurisdiction, but the SAC can recommend that this be looked into. Mr. Causey reminded the members that this issue was not high on the list of priorities the SAC approved, and that management would need a clear action in the way of a recommendation that could be taken to the FWC and the National Marine Fisheries Service (NMFS).

Virginia Cronk moved to remove from the table the following motion which was tabled at the April 18, 2000 SAC meeting: "The Sanctuary Advisory Council requests that Team OCEAN issue a bulletin advising the Monroe County bait and tackle stores and feed stores of the concern that local fishermen have regarding the suspected impact of cracked corn on the digestive system of fishes, and the bulletin reference the regulation regarding non-fish discharges being permitted in the Sanctuary regulations". The motion was seconded.

Mr. Nedimyer suggested modifying the motion to ask the Sanctuary managers to request the NMFS and the State of Florida review acceptable fishing chumming, what is allowed and not allowed. Discussion was held regarding FKNMS regulations relating to chumming and traditional fishing activities. Further discussion was held relating to amending the motion to include addressing the definition of traditional fishing methods, or to have separate motions. Upon vote, the original motion by Ms. Cronk passed unanimously.

Mr. Nedimyer moved to request that Sanctuary managers contact the NMFS and the FWC and ask them to review what are allowable chumming methods, and to look into whether cracked corn is something that should be prohibited. The motion was seconded by Mr. Davidson. Discussion was held regarding traditional vs. non-traditional fishing methods, determining whether cracked corn is detrimental to fish, and NMFS and FWC jurisdiction. Mr. Grathwohl suggested further discussion be held under Unfinished Business. Upon vote, the motion passed unanimously.

Jim Bellizzi requested to speak during the afternoon public comment period and be given more time than is normally allowed. Chairman Neugent agreed to grant time during the 2:30 p.m. public comment period to Mr. Bellizzi.

H. T. Pontin remarked about the 20 minutes spent during public comment time, commenting that the Sanctuary Advisory Council has never allowed him that much time. Mr. Pontin stated he has been a licensed Master Mariner for 56 years. A copy of Mr. Pontin's comments is attached. Mr. Johnson asked Mr. Pontin if he had received answers to the four questions in his letter dated February 16, 1999 which was included in the SAC packet. Mr. Pontin said he had received answers to those questions, as well as an answer to his letter requesting the discontinuance of personal watercraft (PWC) meetings. Mr. Causey and Chairman Neugent both sent him a letter advising him the meetings would not be discontinued. Mr. Johnson commented that Mr. Pontin's point was that PWC's cannot be discriminated against, they are a Class A motor vessel. Mr. Johnson also asked

Lt. Currul how many tickets were written last year for PWC violations. Lt. Currul replied that the number of violations are not separate from other vessels; the only thing in the system to identify personal watercraft would be a violation of the State regulations that specifically apply to PWCs. Mr. Grathwohl referred to a copy of a letter he received February 14 from Anna Marie Hartman on the State's position. Ms. Hartman stated she wrote the letter as a result of discussions at the last PWC Working Group meeting. (A copy of the letter is attached.)

Peggy Matthews commented that the PWC industry's position has been and always will be to address boating issues by recommending that regulations apply to all boats. The PWC industry is concerned about boating impacts in the Keys, in the State of Florida, and around the country, and will work in the Keys, Tallahassee, and Washington, D.C. regarding passing regulations to address the environmental impacts caused by boats.

Dr. Sidney Bacchus stated that she has been doing research for the past ten years throughout Florida on ground water and surface water interactions and the environmental impact of those interactions. She was originally scheduled to make a presentation today, but her item was removed from the agenda, and she will not be able to make a presentation at the April SAC meeting. She announced that she will be giving a presentation at Mote Marine Lab on Summerland Key on February 21 at 3:30 p.m. and a presentation for the public at 7:00 p.m. at the Summerland Middle School. Dr. Bacchus talked about her concerns regarding the use of shallow and deep injection wells, and the impact of effluent from the wells on the reefs. Dr. Bacchus also suggested that FKNMS initiate a Supplemental Environmental Impact Statement (SEIS) immediately. Dr. Bacchus reported that Kim Anaston of CMC has copies available of Dr. Bacchus background information.

Mr. Causey commented that this issue needs to be presented by a variety of scientists and that possibly a special meeting with a panel could be scheduled. Mr. Causey also advised Dr. Bacchus that FKNMS would not initiate the SEIS, that the entity doing an action that could adversely affect the resources would do the SEIS.

Chairman Neugent commented that he will ask Dr. Erich Mueller of Mote Marine Lab if he would give a presentation to the SAC based on Dr. Bacchus presentation.

Tom Davidson commented that these were very important topics, but we used to have some pretty tight rules on what could be discussed as a follow up to public comment, and suggested the SAC review those for future meetings or we risk this becoming the dominant factor on the agenda.

Sanctuary Superintendent's Report – Billy Causey reported on administrative changes that have taken place within the Department of Commerce and NOAA: The new Secretary of Commerce is Don Evans; former Secretary of Commerce Norman Mineta is now the Secretary of Transportation; Scott Gudes, Deputy Undersecretary, is the Acting NOAA Administrator; and Dan Basta has been selected as Director of the Office of National Marine Sanctuaries. Mr. Causey said that Mr. Basta will address the SAC at a

future meeting. Mr. Causey gave an update on the Dr. Nancy Foster Florida Keys Environmental Center.

Mr. Causey also reported on the Carrying Capacity workshop held February 8, and encouraged SAC members to attend upcoming workshops scheduled throughout the Keys in March. He reported that the Carrying Capacity Study and the Florida Bay/Florida Keys Feasibility Study were two of 31 priority projects that came out of the South Florida Ecosystem Restoration Working Group and Task Force. Dr. Brian Keller and Dr. Bill Kruczynski will be working on the development of a feasibility study looking at the influence of South Florida on Florida Bay and the Florida Keys.

Mr. Causey also reported he attended the first joint meeting of National Marine Sanctuary and National Park Service managers and superintendents held in Shepardstown, West Virginia, February 21 and 22.

Tom Davidson reported on the newly organized Bonefish and Tarpon Unlimited, stating their primary objective and purpose is to raise money to support research and regulation, if required, that will enhance and nourish the quality of the bonefish and tarpon fisheries.

Mr. Causey also reported on the status of the Particularly Sensitive Sea Area (PSSA) proposal. He also referred to the Center for Marine Conservation booklet "Health of the Oceans" included in the SAC members packets. Mr. Causey talked about recent reports on the decline of coral reefs and discussed FKNMS efforts relating to coral reef monitoring. Mr. Causey also reviewed the 2000 FKNMS website analysis.

Florida Department of Environmental Protection (DEP) Report – Anna Marie Hartman reported that DEP and FKNMS submitted a proposal to the Governor's office to sign a proclamation declaring March Seagrass Awareness Month; and reported on the Fiber Optics Task Force and the Coral Reef Task Force.

Fritz Wettstein gave an update on the trap clean up/retrieval project, reporting on the spending of FEMA money, plans for future cleanups, and the activities of a problem solving group.

Sanctuary Enforcement Report – FWC – Lt. Bob Currul gave a report on law enforcement statistics, stating that there were 600 reported groundings in the Keys last year, which is up 134 from the prior year. He also reported that the FWC will be receiving two new boats in March.

Florida Fish and Wildlife Conservation Commission Report – Jim Colvocoresses reported that John Hunt attended the FWC meeting in Miami in January where the following three issues which came directly from the FKNMS were discussed: 1) Sponges—by consensus the Commission asked FWC staff to pursue the sponge management issue and in response to that directive, FWC submitted a supplemental budget request. 2) Tortugas Ecological Reserve—the Commission approved unanimously to move ahead with the regulations. Mr. Colvocoresses commented on the

great public comment at the meeting, particularly from the Stanley Switlik School students. 3) Lobster trap reduction program—the Commission voted to take a modified approach and are looking at a four per cent per year reduction. Ms. Harrison also commented on the excellent testimony by the students, and passed around thank you notes from them.

Election of Chair and Vice Chair

Debra Harrison nominated George Neugent as Chair. The nomination was seconded by Don Kincaid, and upon unanimous vote, George Neugent was elected Chair of the Sanctuary Advisory Council.

Jerry Lorenz nominated Don Kincaid as Vice Chair. Mr. Kincaid declined the nomination.

Jim Fryer nominated Debra Harrison as Vice Chair, and Rob Bleser nominated Fran Decker as Vice Chair. The nominations were seconded, and upon written ballot, Fran Decker was elected Vice Chair of the Sanctuary Advisory Council by majority vote.

Ken Nedimyer commented on all of the work Debra Harrison has done as Vice Chair the past year. Chairman Neugent commended co-Vice Chairs Harrison and Johnson for the tremendous amount of help he received from them over the past year.

Update on the Proposed Tortugas Ecological Reserve

Billy Causey reported on the FWC meeting in January where he and Mark Robson, FWC Regional Director, gave a presentation. He reported that only four of the thirty public speakers spoke in opposition to the proposal. He commented on how moving it was to hear the group of students, the next generation, organized by Ms. Harrison stand up and ask this area be set aside. Mr. Causey reported on budget commitments for additional enforcement officers and boats for the TER. Mr. Causey thanked the SAC members who attended the FWC meeting.

Don Kincaid read an article from the *Miami Herald* regarding “marine reserves do work” (attached).

Mr. Causey and Ted Beuttler, NOAA attorney, reviewed the process and timeline for placement of the TER notice in the Federal Register. Mr. Causey also briefly discussed the National Park Service’s timeline for adopting their general Management Plan, which will be followed by rulemaking for the actual regulations inside Tortugas National Park.

Sponging

Mr. Causey reported that the sponging report was also presented to the FWC at their January meeting, and thanked the SAC for the fine work they did at the special sponging meeting in November on the sponging issue. Chairman Neugent commended Frank

Hawkins for the effort he made to bring this issue before the SAC, and commented that there may be some unfinished business on the part of the SAC to continue to address the sponging issue. Karen Lee reported, as the SAC Citizen at Large representative for the Upper Keys, she heard from constituents who were very disappointed that the SAC did not take stronger action. She stated she hopes the Sanctuary managers and the FWC will pursue this issue with the enthusiasm and perseverance that the citizens of the Florida Keys want with regard to following up on the science.

Mr. Causey commented that we have heard throughout the Keys that Monroe County residents are concerned about this issue. However, most of the people who are concerned are concerned for the reasons that started driving this issue which are not valid. When someone says a sponge filters out nutrients and pollutants, they are wrong. Mr. Causey said he made a promise years ago that Sanctuary management would make their decisions based on science, and that FKNMS will look at both the natural sciences and socio-economic sciences.

Chairman Neugent pointed out that the sponging issue was not treated as a political issue by the SAC; the recommendations were based upon the facts brought before us. However, there is still a lot of interest on the issue throughout Monroe County and he thinks we need to continue to move forward in a proactive manner protecting our natural resources. Chairman Neugent stated we may not have all of the science before us and we need to continue to gather that; and we need to control this issue before it gets bigger and makes it more difficult to address.

Mr. Grathwohl stated the Marathon Guides Association instructed him to follow the science, and the science led him to the fact that the sponge industry is not in dire stress, and the cause of any sponge die-off is not due to spongers. It is due to fresh water effluents, and the shallow well injection and well fields in Miami may have an effect on sponges. Mr. Grathwohl stressed the importance of scheduling a panel of experts to discuss the injection well issue.

The Five Year Review of the Sanctuary Management Plan

June Cradick presented the attached timeline. Ms. Harrison requested clarification regarding the process, stating that she thought beginning now through August 2002 we would not only be looking at our benchmarks and implementation goals of the Action Plans, but also would be recommending additional management actions that need to take place in the next five year period. Ms. Cradick stated that they are separate processes, explaining that we are required to report to the Governor and Cabinet on the status of the various Action Plans by July 2002. Beginning in August 2002, when we have five years of the Management Plan implementation, we will initiate the federal review.

Mr. Causey commented that the five year review will address what has been accomplished or not accomplished relevant to the Action Plans and information gathered during the review process can be set aside for consideration as we begin the review of the full Management Plan. Ms. Hartman further explained, in the process of developing the

reviews of the action plans, we will also be identifying those things we want to consider changed, but those changes will not be made at that time because we will not have had the opportunity to go through the Federal regulatory process. Further discussion was held regarding the review process. Mr. Causey added that we would be able to address an emergency need for a change in FKNMS regulations.

Mr. Johnson asked if staff receives Working Group reports between SAC meetings. Mr. Cradick replied that some of the Working Groups submit reports, but it is something that should be established for all of the groups.

Sanctuary Research and Monitoring Efforts

Dr. Brian Keller's presentation and handouts are attached.

Discussion was held regarding zoning and economic impacts, and an upcoming science meeting to develop a final Science Plan.

Personal Watercraft Working Group Report

A copy of LCDR Dave Savage's presentation is attached. Mr. Causey announced that LCDR Savage will soon be transferring, and Lt. David Score, NOAA Corps, will be taking his place as the FKNMS Upper Region Manager.

Mr. Johnson suggested the PWC Working Group name be changed to a boating working group to broaden membership. LCDR Savage responded that this question came up during some of the Working Group meetings, and some of the options presented do pertain to all vessels. Mr. Johnson also mentioned that Mr. Pontin presented information on State law and also called for an end to the PWC Working Group meetings at the last SAC meeting. Mr. Nedimyer stated that he thinks any regulations applied to PWCs should also apply to other small boats which could operate in "thrill mode". Lt. Currul said that State law addresses careless operations of vessels whether it be a PWC or another boat, and the FWC will handle offenses on a case by case basis. Further discussion was held regarding regulations pertaining to PWCs vs. all vessels, funding for new officers, and enforcement. Mr. Blevins commented that it is his heartfelt wish that we would take a more puristic stance toward the Sanctuary and not continue to make concessions to special interest groups.

LCDR Savage also reported that Capt. Jim Brown and Capt. Allen Richard of the FWC have invited him to make his PWC presentation in Tallahassee.

Chairman Neugent stated this is an issue that is all-consuming in Monroe County and needs to be addressed. He commented that the PWC Working Group is doing it in the right way; the issue has also been before the Marine Port Advisory Committee and he has observed over the years different groups that are opposed to regulating PWCs. Chairman Neugent stated that he does not think anyone is trying to single out or discriminate against a particular group; we are trying to address an issue that will reach critical mass if

we don't pursue it, and an emotional decision rather than a fact based and consensus built decision could be made.

Peggy Matthews, from the Personal Watercraft Industry Association, stated she wanted to clarify some comments that were made regarding the laws on the books at this time that pertain strictly to personal watercraft such as operator's age, operation during daylight hours, etc. Those laws were recommended and lobbied to the legislature by the industry. She also commented that personal watercraft is not banned in Monterey; two seaters are banned; three and four seater personal watercraft can operate in the Monterey Bay National Marine Sanctuary. Ms. Matthews also stated that in light of Ms. Hartman's letter and the position stated in the letter that the legislative intent is to not discriminate against personal watercraft, the position of the industry is that regulations should pertain to all vessels. She said she thinks it would be a waste of time to go forward singling out personal watercraft, and the industry would like to see the proposed public meetings cancelled because just holding the meetings and the press coverage is causing tremendous economic impact to personal watercraft dealers and rental operators in the Keys.

Ms. Lee asked Ms. Hartman if the letter she wrote was her opinion. Ms. Hartman responded that it was her opinion and she discussed it with the DEP Deputy Secretary and Secretary. Ms. Hartman stated she based it on what the State has discussed in the past and what legislators have said what they meant by the language in the legislation. Discussion was held regarding the regulatory process pertaining to the Governor and Cabinet being FKNMS co-trustees. Ms. Lee stated that she does not think it is a waste of time to go through the public procedures toward possible regulations. She said she understands the concerns of the staff at the State level, and the concerns of the personal watercraft industry, but to stop this public process at this stage would be completely wrong, unethical, and immoral, and a travesty of the goals and mission of the FKNMS.

Ms. Hartman commented that the language in the legislation being discussed had not been passed when the Sanctuary Management Plan was adopted. However, she does believe that the intent of the legislation up until that time was not to discriminate against personal watercraft. Ms. Hartman also mentioned that there are several places referenced in the Management Plan that Sanctuary regulations are not to be inconsistent with State or Federal law. Mr. Causey talked about the history of the personal watercraft issue during the development of the Management Plan, stating that he thinks the only way the controversy can be resolved is through a public process with local stakeholders.

Chairman Nuegent commented that he agreed that to stop the public process would be wrong; that this is very emotionally driven, controversial issue that needs to be addressed. Chairman Nuegent asked for input from each of the SAC members regarding going forward with the process. Following considerable discussion regarding the State legislation, discriminating against personal watercraft, and social and environmental impacts, the consensus among the members was unanimous to continue with the personal watercraft public meetings.

Warren Johnson moved to change the Personal Watercraft Working Group's name to the Boating Vessel Working Group. The motion failed due to lack of a second.

Public Comment

Jim Bellizzi from Islamorada stated he wishes to comment on information regarding Sanctuary Regulation, Section 922.163 which he thinks is incorrect in the way it reads, based upon what he believes is the intent of the regulation through the Final Management Plan. Mr. Bellizzi compared the regulation in the Draft Management Plan posted to the Federal Register in 1995 to the Final Management Plan posted to the Federal Register in 1997. Mr. Bellizzi discussed his concern that the Regulation in 1997 states basically what is stated in the 1995 Draft Plan except at the beginning where "except in marked channels" was added as an exclusion, and mangrove fringed shoreline as being an area of concern was taken out. Mr. Bellizzi commented on some of the reasons he thinks the Regulation was changed in the Final Plan stating that he does not think it is correct. He stated that he hopes the Sanctuary Advisory Council will recognize his concern and make recommendations to the State and NOAA to post an emergency regulation to the Federal Register eliminating the verbiage "except in marked channels". Mr. Bellizzi also expressed his concerns relating to enforcement. Mr. Bellizzi reiterated his concern, stating that the intent of the Sanctuary was clear from the onset, and as a result of public input from user groups and the personal watercraft industry, the regulations were convoluted to mean something different which conflicts with State law, and is contrary with Sanctuary regulations in that it disallows a portion of the population not to be covered under equal protection of the law.

Mr. Causey commented that Mr. Bellizzi has done a tremendous amount of research, but the regulation in the Final Management Plan is what was intended to be published in the Federal Register. Mr. Causey talked about the history of developing the regulations, stating that following public comment adjustments were made and what we came up with were specific Sanctuary regulations which are not contradictory to State regulations. Mr. Causey also talked about Mr. Bellizzi's specific concerns relating to the speed of boats in the Snake Creek area where Mr. Bellizzi lives. Mr. Causey commented that he and Mr. Bellizzi have a difference of opinion on how the regulation was derived and the administrative record shows that it was derived from the public process and it is clearly what the FKNMs intended to do.

Mr. Bellizzi spoke further about the reasons he thinks the regulation was written to allow boats to travel at a high rate of speed through a marked channel, including a selfish concern by former members of the SAC. Mr. Causey suggested Mr. Bellizzi take this issue to the Village of Islamorada. Mr. Bellizzi commented he has talked to the Village of Islamorada, as well as the Marine Port Authority Advisory Council. Discussion was held regarding requesting adjustment to the no wake, idle speed channel through Snake Creek.

Debra Harrison suggested that Mr. Bellizzi give a presentation on his concerns at the April 17 SAC meeting and work with Sanctuary staff in preparing his presentation. She

also suggested representatives from other jurisdictions be present. Chairman Neugent concurred.

Grady Sullivan commented on the following four items: 1) He thinks that the FKNMS mooring buoy maintenance employees should be paid more than \$11 per hour or be given benefits. 2) He does not think the SAC should have passed a resolution allowing fish oil to be used for sponging because it is not biodegradable. 3) Regarding Mr. Bellizzi's concerns, he suggested no wake buoys be placed in front of residential areas at Snake Creek. 4) He complained about the amount of silt produced by cruise ships from Hawk's Channel to Key West Harbor.

Kim Anaston, Center for Marine Conservation, stated she is in support of the public process regarding personal watercraft, and reminded the SAC to put together a science panel to discuss injection wells.

H. T. Pontin commented about the FKNMS changing laws again, stating that the law is bound by treaties and the U.S. Constitution and upheld by the Supreme Court, and regulations in the Federal Register can be changed by the Supreme Court. Mr. Pontin commented that the Monterey Bay National Marine Sanctuary regulations can be overturned by the Supreme Court, and the Supreme Court has ruled that Washington D.C. cannot make laws on navigation. Mr. Pontin said that all of the groups working on FKNMS Action Plans should be required to know the existing laws before they try to make new laws. Mr. Pontin also said the Tortugas plan was made without jurisdiction, but the International Maritime Organization (IMO) agreed to respect it, which is good; but it doesn't mean it belongs to the FKNMS. Just because the FKNMS came up with a good plan and the IMO is willing to abide by it, doesn't mean you own it. Mr. Pontin also commented, regarding Mr. Bellizzi's concerns, that Mr. Bellizzi has a right to apply for a slow speed zone in front of his house, but he has to maintain it and is responsible for it; why should the County pay for something in Islamorada, and why ask the FKNMS to apply for it?

Update on the Sanctuary's Education Program

Ivy Kelley, FKNMS Education Specialist, reviewed FKNMS materials and brochures and talked about how visitors are educated about the Sanctuary. Ms. Kelley reported that we get information requests through the mail, via telephone, and e-mail because of our website. She talked about FKNMS presence at fairs and festivals, visitor centers, on television, radio public service announcements, and the sport lobster information booth. She talked about efforts relating to March being Seagrass Awareness Month and annual programs including Coral Reef Classroom, Enviro-thon, National Ocean Science Bowl, teacher workshops, teacher grants program, and special projects i.e. the Sustainable Seas Expedition. She also talked about work with non-governmental partners and non-profits i.e. CMC, Reef Relief, REEF, TNC, Seacamp, and the Marine Lab in Key Largo. Ms. Kelley also gave a slide presentation depicting boat ramp signs and activities involving children, volunteers, and interns.

Update on the Sanctuary's Team OCEAN Program

Amy Massey, FKNMS Education Specialist, reported on the Team-OCEAN (Ocean Conservation Education Action Network) brochure route, stating that approximately 150,000 brochures per year are distributed to 450 establishments throughout the Keys. These establishments include dive shops, boat rentals, hotels and motels, and the Chambers of Commerce. Ms. Massey reviewed the rental boat program which includes an educational video, a laminated boat safety check list, and stickers to put near the helm of the boat.

John Nazzaro, FKNMS Education Specialist, distributed a sample of the information packets Team-OCEAN distributes via on-the-water information boats. Mr. Nazzaro gave a slide presentation describing the program which is staffed with volunteers, explaining that it is an educational, not an enforcement program. Mr. Nazzaro also talked about the Team-OCEAN training program.

Discussion by several SAC members was held regarding their desire to have Team-OCEAN staff look into using biodegradable bags for the information packets.

Update on Submerged Cultural Resources

A copy of LCDR Dave Savage's presentation is attached. Discussion was held regarding treasure salvors, cooperation by Spain regarding shipwrecks, identifying sovereign vessels, court cases regarding shipwrecks, and the Programmatic Agreement with the State which is one of the documents which will be reviewed during the five year review process.

New Business

Richard Grathwohl talked about an article in the Sunday *Miami Herald* by Jim Hardy regarding the comeback of the Jewfish and one Key West Captain's proposal he wants presented to the FWC to be able to take Jewfish under a limited lottery system. Mr. Grathwohl said he thinks the SAC should make a recommendation stating it is too soon and there is not scientific evidence to back up this proposal. Mr. Grathwohl stated further discussion should be deferred to the next SAC meeting.

Working Group Reports

Education

Martin Moe announced that Virginia Cronk will be leaving the area and he will be taking her place on the SAC. Mr. Moe reported on the Education Working Group meeting held

in January. He stated that the working group will provide community input in the development of the education section of the new Management Plan; assist staff with problem solving and establishing links to community cooperation and education activities; assist staff in securing resources for a total education program providing formal education as well as community based adult and youth education with residents, tourists and seasonal residents, and provide input feedback to staff on education programs and projects. He reported that their next meeting will be held April 28. Mr. Moe recited the working group's motto: "If no one cares, the splendor of the Keys will die; if you don't know, you can't care; if you don't care, you can't help anyone else to care. Information and education are the keys to caring; the National Marine Sanctuary holds the keys to knowledge, we need your participation in the Education and Outreach Working Group. Together, we can teach the Keys to care."

Water Quality

Debra Harrison reported that the Water Quality Working Group was effective in helping to move the authorization forward for \$100 million for Florida Keys water quality improvements. She reported that the authorization has been received but not the appropriation which would be over a three year period (\$33 million per year). Ms. Harrison requested that anyone interested in becoming a member of the Water Quality Working Group to please let her know.

Artificial Reefs

Don Kincaid reported that Monroe County approved \$250,000 to help finance the scuttling of the Vandenberg.

Other Matters

Debra Harrison requested the following three items: 1) That each agenda have a council member comment category. 2) That staff provide the SAC more background information prior to meetings. 3) That the SAC go back to allowing three to five minutes per speaker for public comment or continue discussion under New Business.

Chairman Neugent commented on his frustration with trying to keep the meeting on schedule and not having enough time to discuss critical issues which may come up during public comment. Ms. Harrison made comments relating to some of the conversations being critical, and that is why she suggested discussion be continued during New Business, if the council wishes to make any recommendations or take action on an issue.

Chariman Nuegent welcomed Becky Ianotta in the audience and asked her to convey to Representative Deutsch that we appreciate his efforts in Washington, and to thank him for his effort on the \$100 million for water quality improvements and other issues.

Announcements

Jim Fryer announced that the Nature Conservancy is transferring him outside the Florida Keys and this will be his last SAC meeting. He stated he greatly appreciated the opportunity to serve, and he has been extremely impressed with the caliber of people on the SAC, and the dedication of the volunteers like Steve Davidson. He reported that Joe DiNovo, his alternate, will take his place on the SAC.

Items for Next Agenda

Cracked Corn
Jewfish
Presentation by Jim Bellizzi

The meeting was adjourned at 4:20 p.m.

Submitted by,

Sharyn Collette

Approved April 17, 2001